

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**SANTIAGO SOTO-GARCIA,**

**Defendant.**

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**Case No. 15-05034-01-CR-SW-RK**

**ORDER**

Pending before the Court is Defendant's Motion to Dismiss the Superseding Indictment (doc. 90). Defendant alleges a violation of Defendant's Sixth Amendment right to Due Process.

On June 21, 2016, United States Magistrate Judge David P. Rush conducted an evidentiary hearing on the motion. On August 24, 2016, Judge Rush issued his Report and Recommendation (doc. 110). Objections were due by September 12, 2016. No objections have been filed.

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge David P. Rush.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss the Superseding Indictment (doc. 90) is OVERRULED and DENIED.

SO ORDERED.

s/ Roseann A. Ketchmark  
ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: September 30, 2016